



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MP(M) No.1333 of 2026
Date of Decision: 27.07.2026

Kazeema Sheikh	Versus	Petitioner
State of Himachal Pradesh		Respondent

Coram:
The Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?¹

For the Petitioner:	Mr. Vishwa Bhushan, Ms. Anuja Mehta & Ms. Aafreen Kaushal, Advocates.
For the Respondent:	Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocate General. ASI Kashmir Singh, PS BSL Colony, Sundernagar, District Mandi, Himachal Pradesh, present in person along with record.

Sandeep Sharma, J. (Oral)

Bail petitioner, namely Kazeema Sheikh, who is behind the bars since 15.07.2026, has approached this Court in the instant proceedings filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in case FIR No.92/2026, dated 14.07.2026, under Sections 108, 85 & 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station BSL Colony, Sunder Nagar, District Mandi, Himachal Pradesh.

¹ Whether reporters of the local papers may be allowed to see the judgment?

2. In terms of order dated 21.07.2026, respondent/State has filed status report and ASI Kashmir Singh, has come present along with record. Record perused and returned.

3. Close scrutiny of status report/record reveals that on 11.07.2026, police, after having received information from Medical College, Nerchowk, regarding a case of hanging from Jay Devi, reached hospital and recorded the statement of the complainant, Ashid, who happens to be brother of the deceased (Aashima). Complainant alleged that the marriage of his sister, Aashima, was solemnized with Kasim Sheikh (Kasi Ali) in the year 2019. He alleged that his sister was working at Senior Secondary School, Jay Devi, since 2015, and for the last 5-6 months, she was living in private accommodation at Jay Devi. He further stated that his brother-in-law, Kasim Sheikh, was working in Airtel at Mandi. He further alleged that on 14.07.2026, while he was at his shop around 6:30 p.m., he received a telephonic call from his mother informing him that Aashima was not opening the door. He alleged that as soon as he got ready to go to the house of his sister, he received another call from his mother stating that she had been informed by mother-in-law of the Aashima that Aashima had committed suicide. He alleged that his sister was constantly harassed and mentally tortured by her in-laws and his brother-in-law, Kasim Sheikh, for not having child. He also alleged that the sister-in-law of the deceased, namely Kazeema Sheikh i.e. present petitioner, who was married, also used to taunt the deceased for not having a child. In afore background, the FIR, as detailed

hereinabove, came to be lodged against the persons, namely Kasim Sheikh, Karam Din, Raj Devi, and the present bail-petitioner, Kazeema Sheikh and they are behind bars since 15.07.2026. ◇

4. Since bail-petitioner along with other co-accused are in judicial remand and nothing remains to be recovered from them, bail petitioner namely Kazeema Sheikh, who happens to be sister-in-law of the deceased has approached this Court in the instant proceedings for grant of regular bail. Though other co-accused named hereinabove have also filed bail petitions but same have been ordered to be listed on 07.08.2026.

5. Mr. Rajan Kahol, learned Additional Advocate General, while fairly admitting that at present nothing remains to be recovered from the bail-petitioner, states that keeping in view the gravity of offence, alleged to have been committed by her, she does not deserve any leniency. He states that there is overwhelming evidence adduced on record suggestive of the fact that present bail-petitioner, who happens to be sister-in-law of the deceased Aashima, along with her parents and brother had been constantly harassing deceased Aashima for her having not child. While making available copy of suicide note left by the deceased, Mr. Kahol, states that present bail-petitioner has also been named in the same and it may not be in the interest of justice to enlarge her on bail because in that event, there may be unrest in the area, which shall further create law and order situation.

6. Having heard learned counsel for the parties and perused material available on record, this Court finds that the

marriage *inter se* the deceased Aashima and Kasim Sheikh was solemnized in the year 2019. The in-laws of the deceased were residing at Sarkaghat, whereas the deceased, at the time of the unfortunate incident, was living at Jay Devi on account of her job at a local school. Though the husband of the deceased was working at Mandi but he also used to reside with Aashima at Jay Devi. Investigation reveals that the deceased had suffered miscarriages on three occasions, and on account of the same, there was some discord within the family, as she was unable to bear a child. On the date of the alleged incident, none of the family members were present at the residence, rather in-laws of the deceased, who had arrived at Jay Devi on the same day, had gone to Dinak to offer condolences to a bereaved family. The present petitioner, Kazeema Sheikh, was residing at Hamirpur along with her husband, Dr. Sadiq. The in-laws of the deceased noticed that Aashima had hanged herself when they returned from Dinak and found the house locked from the inside. However, subsequently, with the help of the landowner, in-laws of the deceased entered the house through the balcony and found that the deceased had committed suicide by hanging herself. Allegedly, the father-in-law of the deceased though found a suicide note on the bed, but silently removed the same and kept in his car, which he handed over to the investigation authorities during the course of investigation. Since in suicide note, Aashima alleged that she was constantly taunted for her not bearing a child and her husband used to scold her for not taking care of his parents, deceased took extreme step

of finishing her life by hanging. In afore background, entire family including the present bail-petitioner, who admittedly after her marriage had been living with her husband at Hamirpur and had come to hospital after receiving the sad news of suicide committed by her sister-in-law, also came to be arrested.

7. If the suicide note is perused in its entirety, this Court is persuaded to agree with Mr. Vishwa Bushan, learned counsel for the petitioner, that there is no specific allegation of constant harassment and mental tension, if any, meted out to the deceased at the hands of the present bail-petitioner, rather her entire grouse was against her husband, who allegedly used to pick up trivial fights with her on the pretext that she did not care about his parents. While specifically mentioning her three miscarriages, deceased has also mentioned in the suicide note that her husband never gave her importance, rather he always fought with her for his parents. There is no specific allegation, if any, of cruelty against the present bail-petitioner.

8. Though Mr. Rajan Kahol, learned Additional Advocate General, while referring to the suicide note, attempted to argue that to coerce or taunt the deceased for her having not a child was a reason for the deceased to commit suicide, but having read suicide note in its entirety, this Court is not persuaded to agree with Mr. Kahol. To establish abetment or instigation to commit suicide as defined under Section 108 of the BNS, some overt act should have been done by the accused. Merely asking somebody to take care of her health, especially with regard to food habits so

that miscarriage is prevented in future may not be sufficient to conclude that deceased was being harassed and tortured for her not bearing a child.

9. Leaving everything aside, this Court finds that petitioner, after marriage with Dr. Sadiq, had been residing at Harimpur and there is no specific mention of her name in the suicide note, as such, sees no reason to let the bail-petitioner incarcerate in jail for indefinite period during trial, especially when nothing remains to be recovered from her.

10. Hon'ble Apex Court as well as this Court in catena of cases have repeatedly held that one is deemed to be innocent till the time guilt, if any, of his/her is not proved in accordance with law. In the case at hand also, guilt, if any, of the accused is yet to be proved in accordance with law, by leading cogent and convincing material on record, as such, his incarceration in jail for indefinite period is clear cut violation of fundamental rights guaranteed under Article 21 of the Constitution of India. Apprehension expressed by the learned Additional Advocate General that in the event of petitioner's being enlarged on bail, he may flee from justice, can be best met by putting the bail petitioner to stringent conditions as has been fairly stated by the learned counsel for the petitioner.

11. Hon'ble Apex Court in Criminal Appeal No. 227/2018, ***Dataram Singh vs. State of Uttar Pradesh & Anr*** decided on 6.2.2018 has held that freedom of an individual cannot be curtailed for indefinite period, especially when his/her guilt is yet

to be proved. It has been further held by the Hon'ble Apex Court in the aforesaid judgment that a person is believed to be innocent until found guilty.

12. Hon'ble Apex Court in ***Sanjay Chandra versus Central Bureau of Investigation (2012) 1 Supreme Court Cases 49*** has held that gravity alone cannot be a decisive ground to deny bail, rather competing factors are required to be balanced by the Court while exercising its discretion. It has been repeatedly held by the Hon'ble Apex Court that object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative.

13. In ***Manoranjana Sinh alias Gupta versus CBI, (2017) 5 SCC 218***, Hon'ble Apex Court has held that the object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. Otherwise also, normal rule is of bail and not jail. Apart from above, Court has to keep in mind nature of accusations, nature of evidence in support thereof, severity of the punishment, which conviction will entail, character of the accused, circumstances which are peculiar to the accused involved in that crime.

14. The Apex Court in ***Prasanta Kumar Sarkar versus Ashis Chatterjee and another (2010) 14 SCC 496***, has laid down various principles to be kept in mind, while deciding petition

for bail viz. prima facie case, nature and gravity of accusation, punishment involved, apprehension of repetition of offence and witnesses being influenced.

15. In view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court, petitioner has carved out a case for grant of bail. Accordingly, present petition is allowed and the petitioner is ordered to be enlarged on bail in aforesaid FIR, subject to her furnishing personal bond in the sum of Rs.1,00,000/- with two local sureties in the like amount to the satisfaction of concerned Chief Judicial Magistrate/trial Court, with following conditions:

- (a) she shall make herself available for the purpose of interrogation, if so required and regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;***
- (b) she shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;***
- (c) she shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer; and***
- (d) she shall not leave the territory of India without the prior permission of the Court.***

16. It is clarified that if the petitioner misuses the liberty or violates any of the conditions imposed upon her, the investigating agency shall be free to move this Court for cancellation of the bail.

17. Any observations made hereinabove shall not be construed to be a reflection on the merits of the case and shall

remain confined to the disposal of this application alone. The petition stands accordingly disposed of.

18. The petitioner is permitted to produce copy of the order downloaded from the High Court Website and the trial court shall not insist for certified copy of the order, however, it may verify the order from the High Court website or otherwise.

(Sandeep Sharma)
Judge

July 27, 2026
(Sunil)